IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.1049 OF 2004

Smt Vimal Bapuso Naik and anr. .. Petitioners.
Vs
1. Balasaheb Mohan Naik & ors. .. Respondents.

Mr N.J.Patil, for the petitioners.
None for the respondents, though served.

CORAM : D.B.BHOSALE,J.
DATE : 21.09.2006

PC:

1. Heard Mr N.J.Patil, learned counsel for the petitioners. By consent, this petition is heard for admission.

2. The petitioners have impugned the order dated 14.8.2002, by which Misc.Civil Appeal No.441 of 1999 was allowed and the petitioner-defendant was injuncted from creating south-north cart-way from the suit land. Notice was issued on 3.3.2004. However, no interim order was passed and as a result of which the order impugned in the present writ petition is operating against the petitioner till this date. Keeping that in view and considering the overall facts and circumstances of this case, I am satisfied that this writ petition can be disposed of by the following order.

(i) The trial Court shall dispose of the suit,

bearing Regular Civil Suit No.166 of 1999, as expeditiously as possible and preferably within eight months from the date of receipt of this order. The trial Court shall decide the suit on merits in accordance with law and uninfluenced by the impugned order in the present writ petition.

(ii) While passing this order, I shall not be understood to have examined the merits of the case. With these observations, the writ petition is disposed of.

(D.B.BHOSALE,J.)